



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: May 15, 2012

SUBJECT: BZA 18351 – 715 Euclid Street, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of use variance relief from the provisions of § 330.5, to permit the operation of a fast food establishment on the first floor of an existing structure in the R-4 District at 715 Euclid Street, N.W. subject to the following conditions :

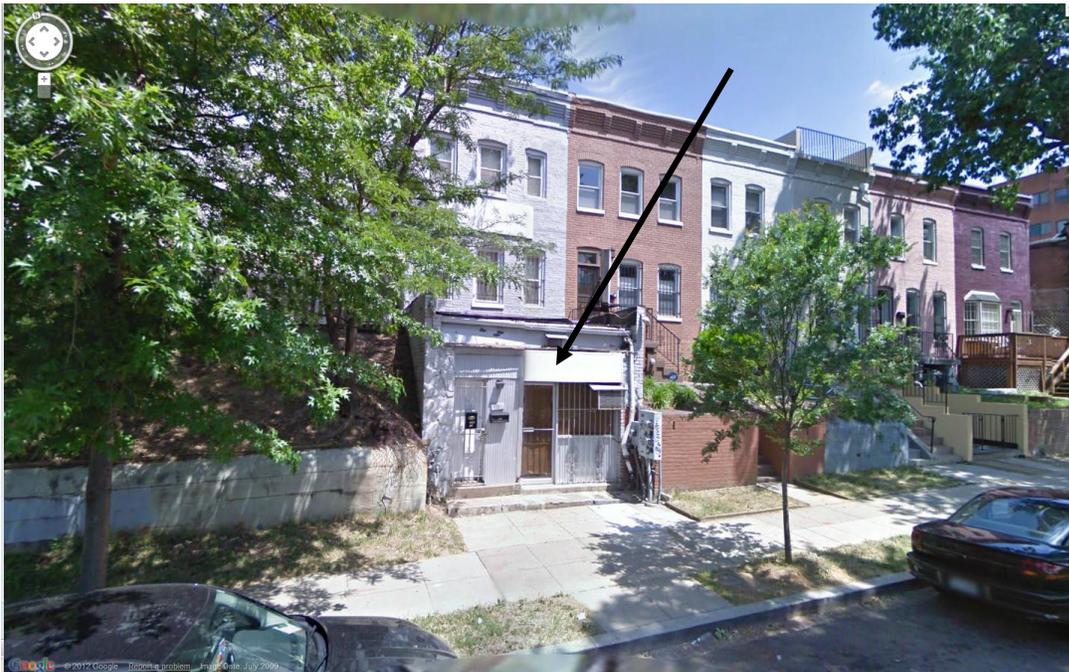
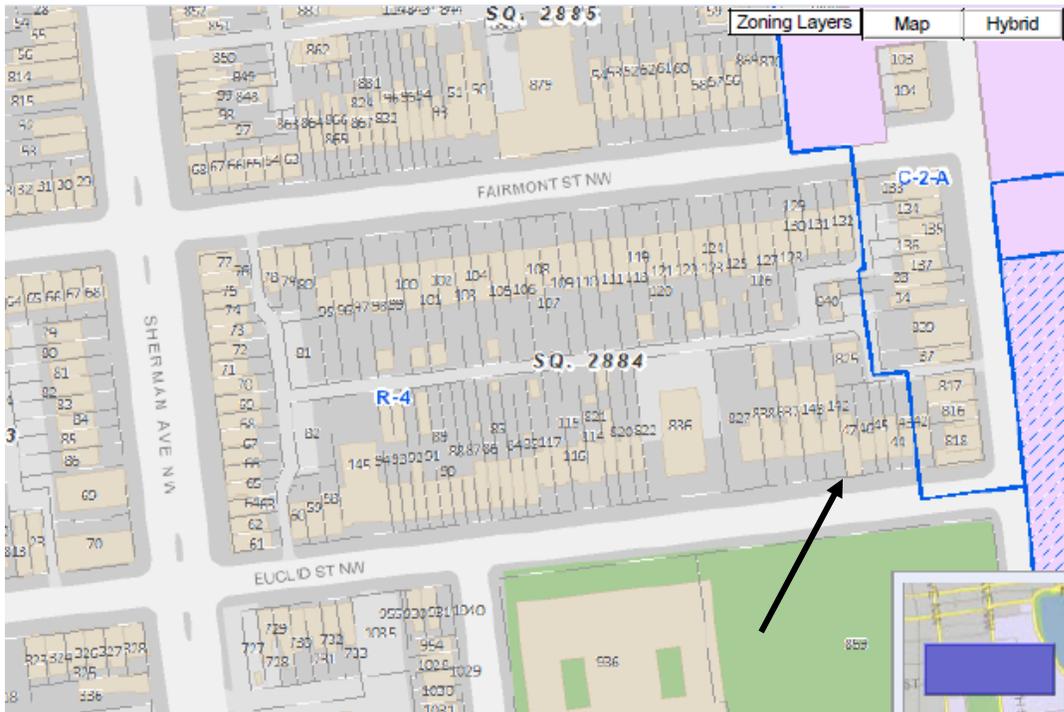
- A trash receptacle shall be provided at the front of the building to keep the property and streetscape free of litter and debris.
- No more than one sign shall be located on the structure's façade. No more than two (2) interior window signs should be placed on the store window.
- Any external lighting should be directed downwards and away from adjoining properties.

II. AREA AND SITE DESCRIPTION

Address	715 Euclid Street, NW
Legal Description	Square 2884, Lot 47
Ward/ANC	1/ANC 1B
Zoning	R-4, which permits residential rowhouses and flats. Commercial uses are not currently permitted in this zone.
Lot Characteristics	The subject property is a 1,459 square-foot rectangular lot located on the north side of Euclid Street, NW. The site is improved with a two-story plus basement brick structure and a one-story attached former garage at the rear of the structure. The ground floor extends right to the Georgia Avenue property line, and has been dedicated to nonconforming retail uses. OP could not determine if the property was originally constructed to include ground floor commercial use, or if the commercial conversion happened sometime after construction, but a commercial use has existing on this lot since about 1949. To the rear is an alley lot (Lot 825), which is owned by the applicant. The alley, which exits onto Georgia Avenue, provides rear access to the subject property via Lot 825.
Adjacent Properties	Adjacent row homes to the east in the R-4 District and commercial properties further east, which front on Georgia Avenue.
Neighborhood Character	The present character of the neighborhood is residential, with



complimentary residential uses such as schools, including Banneker High School on the opposite side of Euclid Street and Howard University to the east along Georgia Avenue. Residential structures include single-family row dwellings, flats and low-rise apartment houses. Other ground-floor nonconforming uses are also found within the neighborhood.



715 Euclid Street NW (Google July 2009 Image)

III. BACKGROUND

The subject property has included a commercial use on the ground floor of the building since 1949. The current owner acquired the property in 2008 and has stated that a food carry-out was operated out of the ground floor for approximately 38 years. The current tenant of the ground floor space began operations in 2009 but was subsequently denied a certificate of occupancy by the Zoning Administrator.

The Zoning Administrator (ZA) discussed with OP that the previous use at this location was defined as a deli, which today is classified as a prepared food shop under the Zoning Regulations. The applicant wants to establish a catering and/or a fast food establishment on the ground floor and contends that the proposed use should be grandfathered by virtue of the prior similar use. However, the ZA found no records that the former use was lawfully established. Absent any records, the ZA and the Office of the Attorney General (OAG) have determined that this is a change of use that requires the Board's approval. No prior Board decisions for this property were found.

IV. OFFICE OF PLANNING ANALYSIS

The Board is authorized to grant variance relief, upon satisfaction of the criteria of Section 3103.

Variance Relief from § 330.5 –Uses Permitted as a Matter of Right in an R-4 District

i. Exceptional Situation Resulting in a Hardship

The applicant would face a hardship in evicting a tenant who is in operation for the past three years, and in retrofitting the space for residential or other permitted use.

The subject property's ground floor space has accommodated a commercial use since 1949, according to occupancy records at DCRA. This predates the current zoning regulations. However, there are no records relating to the previous type of commercial use, the food service establishment that occupied the space for almost four decades.

Operating a use out of the space with no evidence that there were attempts to shut it down indicated to the owner that the use was permitted. This results in an exceptional situation which results in a hardship to the current owner who purchased the property with the assumption that the prior use was legally established.

In addition, the space has been design and configured for non-residential use for a long period. Unlike some of the surrounding residential buildings, the ground level of the building extends right out to Georgia Avenue with no buffer – it may be difficult to reconfigure this space to acceptable residential use, and conversion to another use permitted in this zone (such as a place of worship) could prove difficult.

ii. No Substantial Harm to the Zoning Regulations and Detriment to the Public Good

There should be no substantial harm to the zoning regulations, as the commercial use of the ground floor space predates the regulations, and it exists in a building configuration that is not common on this street (i.e. a building that is directly adjacent to and at level with Georgia Avenue). There is no information on record to indicate that the current operation has been a nuisance, and the history of the ground floor's commercial use can now be considered as part of the neighborhood character along this section of Euclid Street. The property is approximately 65feet from the commercial C-2-A District along Georgia Avenue, but the long-standing single commercial use on this site should not detract significantly from the viability of that commercial corridor.

However, OP recommends the following conditions to minimize potential impacts on residential property in the neighborhood, including:

- A trash receptacle shall be provided at the front of the building to keep the property and streetscape free of litter and debris.

- No more than one sign shall be located on the structure's façade. No more than two (2) interior window signs should be placed on each store window.
- Any external lighting should be directed downwards and away from adjoining properties.

The BZA may also wish to discuss imposing a limitation on the hours of operation of the non-residential use, but OP does not have a specific recommendation at this time.

V. COMMENTS OF OTHER DISTRICT AGENCIES

DDOT has not expressed concerns to OP regarding this proposal. OP is not aware of comments from any other District agency.

VI. COMMUNITY COMMENTS

The applicant is expected to meet with the ANC at its regularly held meeting on May 3, 2012.

Karen Thomas, project manager